

# House File 31

HOUSE FILE \_\_\_\_\_  
BY RAECKER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to political campaigns by requiring mandatory  
2 disclosures in certain political telephone communications,  
3 limiting campaign contributions for statewide and legislative  
4 elections, limiting contributions to political parties,  
5 providing a penalty for filing a false complaint, and applying  
6 other penalties.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1305YH 82  
9 jr/je/5

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1 1 Section 1. Section 68A.405, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. a. For purposes of this subsection:  
1 4 (1) "Individual" includes a candidate for public office  
1 5 who has not filed a statement of organization under section  
1 6 68A.201.  
1 7 (2) "Organization" includes an organization established to  
1 8 advocate the passage or defeat of a ballot issue but that has  
1 9 not filed a statement of organization under section 68A.201.  
1 10 (3) "Published material" means any newspaper, magazine,  
1 11 shopper, outdoor advertising facility, poster, direct mailing,  
1 12 brochure, internet ~~web site~~ website, campaign sign, or any  
1 13 other form of printed general public political advertising.  
1 14 b. Except as set out in section 2, published material  
1 15 designed to expressly advocate the nomination, election, or  
1 16 defeat of a candidate for public office or the passage or  
1 17 defeat of a ballot issue shall include on the published  
1 18 material an attribution statement disclosing who is  
1 19 responsible for the published material.  
1 20 ~~e-~~ (1) If the person paying for the published material is  
1 21 an individual, the words "paid for by" and the name and  
1 22 address of the person shall appear on the material.  
1 23 ~~d-~~ (2) If more than one individual is responsible, the  
1 24 words "paid for by", the names of the individuals, and either  
1 25 the addresses of the individuals or a statement that the  
1 26 addresses of the individuals are on file with the Iowa ethics  
1 27 and campaign disclosure board shall appear on the material.  
1 28 ~~e-~~ (3) If the person responsible is an organization, the  
1 29 words "paid for by", the name and address of the organization,  
1 30 and the name of one officer of the organization shall appear  
1 31 on the material.  
1 32 ~~f-~~ (4) If the person responsible is a committee that has  
1 33 filed a statement of organization pursuant to section 68A.201,  
1 34 the words "paid for by" and the name of the committee shall  
1 35 appear on the material.  
2 1 Sec. 2. NEW SECTION. 68A.407 DISCLOSURES RELATED TO  
2 2 POLITICAL TELEPHONE CALLS.  
2 3 1. For the purposes of this section, unless the context  
2 4 otherwise requires:  
2 5 a. "Legitimate poll" means a telephone call conducted by a  
2 6 polling firm for the purpose of a scientific poll of  
2 7 respondents concerning public opinion concerning a candidate,  
2 8 elected public official, or ballot issue that is part of a  
2 9 series of like telephone calls that utilizes a scientific  
2 10 sampling technique to produce a random sample of interviewees.  
2 11 b. "Political telemarketing" means the canvassing of  
2 12 persons under the guise of performing a poll or survey, with  
2 13 the purpose of encouraging support of, or opposition to, a  
2 14 clearly identified candidate for political office or the  
2 15 passage or defeat of a clearly identified ballot issue.

2 16 2. The general assembly finds that political telephone  
2 17 communication is increasingly used in political campaigns in  
2 18 this state in a deceptive manner, including but not limited to  
2 19 the use of political telemarketing, also known as push=  
2 20 polling, where an anonymous telephone communication is  
2 21 designed to appear as a legitimate poll, but is in fact used  
2 22 as a vehicle to sway opinion through innuendo, by the  
2 23 communication of certain negative information related to a  
2 24 candidate or ballot issue in a manner designed to suggest that  
2 25 such information may be true. The general assembly declares  
2 26 that a compelling public interest exists to identify the  
2 27 source of funding of telephonic communications related to  
2 28 elections, in order to prevent corruption and deceit at the  
2 29 expense of the electorate and to preserve accountability for  
2 30 expenditures made in connection with political campaigns.

2 31 3. A candidate, an authorized representative of a  
2 32 candidate, a candidate's committee, or a political committee  
2 33 that engages either in a telephone communication for the  
2 34 purpose of soliciting contributions or in a telephone  
2 35 communication that has the effect of promoting or opposing the  
3 1 nomination or election of a candidate for public office or the  
3 2 passage of a constitutional amendment or public measure shall  
3 3 disclose all of the following by the end of the telephone  
3 4 call:

3 5 a. The identity of the individual who is calling and the  
3 6 entity with which the individual is affiliated, if any.

3 7 b. The individual or entity that paid for the telephone  
3 8 communication. If a candidate's committee or political  
3 9 committee has paid for or authorized the telephone  
3 10 communication, the name of the candidate's committee or  
3 11 political committee shall be disclosed. If any person other  
3 12 than a candidate's committee or political committee has paid  
3 13 for or authorized the telephone communication, the  
3 14 communication shall also state whether or not the  
3 15 communication has been authorized by the candidate intended to  
3 16 benefit from the communication and shall state whether the  
3 17 communication is an independent expenditure.

3 18 c. The name, telephone number, and address of an  
3 19 individual whom the call recipient can contact for further  
3 20 information regarding the telephone communication.

3 21 4. An individual who, on behalf of, at the direction of,  
3 22 or in cooperation with a political committee, engages either  
3 23 in a telephone communication for the purpose of soliciting  
3 24 contributions or in a telephone communication that has the  
3 25 effect of promoting or opposing the nomination or election of  
3 26 a candidate for public office or the passage of a  
3 27 constitutional amendment or public measure shall disclose all  
3 28 of the following by the end of the telephone call:

3 29 a. The identity of the individual who is calling and the  
3 30 entity with which the individual is affiliated, if any.

3 31 b. The individual or entity that paid for the telephone  
3 32 communication. If a political committee has paid for or  
3 33 authorized the telephone communication, the name of the  
3 34 political committee shall be disclosed. If any person other  
3 35 than the candidate, a candidate's committee, or a political  
4 1 committee has paid for or authorized the telephone  
4 2 communication, the communication shall also state whether or  
4 3 not the communication has been authorized by the candidate  
4 4 intended to benefit from the communication.

4 5 c. The name, telephone number, and address of an  
4 6 individual whom the call recipient can contact for further  
4 7 information regarding the telephone communication.

4 8 5. The board shall adopt rules pursuant to chapter 17A  
4 9 establishing procedures to administer this section.

4 10 Sec. 3. NEW SECTION. 68A.506 CONTRIBUTIONS ==  
4 11 LIMITATIONS ON AMOUNTS.

4 12 1. As used in this section, the term "cash" includes but  
4 13 is not limited to a check, money order, or other negotiable  
4 14 instrument.

4 15 2. The aggregate amount of a contribution made to a  
4 16 candidate or a candidate's committee by a committee or person  
4 17 other than the candidate shall not exceed the following  
4 18 amounts:

4 19 a. For the office of a member of the state house of  
4 20 representatives, five hundred dollars in cash and an  
4 21 additional five hundred dollars in-kind contribution for each  
4 22 primary election, or in lieu thereof for a convention of a  
4 23 political party, and an equal amount for each general  
4 24 election.

4 25 b. For the office of a member of the state senate, one  
4 26 thousand dollars in cash and an additional one thousand

4 27 dollars in-kind contribution for each primary election, or in  
4 28 lieu thereof for a convention of a political party, and an  
4 29 equal amount for each general election.

4 30 c. For the office of a statewide elected official, as  
4 31 defined in section 68B.2, ten thousand dollars in cash and an  
4 32 additional ten thousand dollars in-kind contribution for each  
4 33 primary election, or in lieu thereof for a convention of a  
4 34 political party, and an equal amount for each general  
4 35 election. The limits set out in this paragraph apply to the  
5 1 governor and lieutenant governor together, as if the two  
5 2 offices were one and the same.

5 3 3. The aggregate amount of a contribution made to a  
5 4 candidate or a candidate's committee by a political party, as  
5 5 defined in section 43.2, shall not exceed the following  
5 6 amounts:

5 7 a. For the office of a member of the state house of  
5 8 representatives, one thousand five hundred dollars in cash and  
5 9 an additional four thousand five hundred dollars in-kind  
5 10 contribution for each primary election, or in lieu thereof for  
5 11 a convention of a political party, and an equal amount for  
5 12 each general election.

5 13 b. For the office of a member of the state senate, three  
5 14 thousand dollars in cash and an additional nine thousand  
5 15 dollars in-kind contribution for each primary election, or in  
5 16 lieu thereof for a convention of a political party, and an  
5 17 equal amount for each general election.

5 18 c. For the office of a statewide elected official, as  
5 19 defined in section 68B.2, thirty thousand dollars in cash and  
5 20 an additional ninety thousand dollars in-kind contribution for  
5 21 each primary election, or in lieu thereof for a convention of  
5 22 a political party, and an equal amount for each general  
5 23 election. The limits set out in this paragraph apply to the  
5 24 governor and lieutenant governor together, as if the two  
5 25 offices were one and the same.

5 26 4. The aggregate amount of a contribution made to a  
5 27 political party, as defined in section 43.2, by a candidate or  
5 28 a person shall not exceed ten thousand dollars in cash and an  
5 29 additional ten thousand dollars in-kind contribution.

5 30 5. A political party may establish no more than one fund  
5 31 to provide contributions to a candidate or a candidate's  
5 32 committee for the office of a member of the state house of  
5 33 representatives or state senate or office of a statewide  
5 34 elected official.

5 35 Sec. 4. Section 68B.32B, subsection 1, Code 2007, is  
6 1 amended to read as follows:

6 2 1. Any person may file a complaint alleging that a  
6 3 candidate, committee, person holding a state office in the  
6 4 executive branch of state government, employee of the  
6 5 executive branch of state government, or other person has  
6 6 committed a violation of chapter 68A or rules adopted by the  
6 7 board. Any person may file a complaint alleging that a person  
6 8 holding a state office in the executive branch of state  
6 9 government, an employee of the executive branch of state  
6 10 government, or a lobbyist or a client of a lobbyist of the  
6 11 executive branch of state government has committed a violation  
6 12 of this chapter or rules adopted by the board. Any person may  
6 13 file a complaint alleging that an agency has committed a  
6 14 violation of section 8.7 or rules adopted by the board. The  
6 15 board shall prescribe and provide forms for purposes of this  
6 16 subsection. A complaint must include the name and address of  
6 17 the complainant, a statement of the facts believed to be true  
6 18 that form the basis of the complaint, including the sources of  
6 19 information and approximate dates of the acts alleged, and a  
6 20 certification by the complainant under penalty of perjury that  
6 21 the facts stated to be true are true to the best of the  
6 22 complainant's knowledge. In addition to any other penalty, a  
6 23 person who files a complaint with the board knowing that the  
6 24 statement of facts provided is not true may be assessed a  
6 25 civil penalty by the board in an amount not to exceed two  
6 26 thousand dollars.

6 27 Sec. 5. Section 68B.32B, subsection 7, Code 2007, is  
6 28 amended to read as follows:

6 29 7. Notwithstanding subsections 1 through 6, the board may,  
6 30 on its own motion and without the filing of a complaint by  
6 31 another person, initiate investigations into matters that the  
6 32 board believes may be subject to the board's jurisdiction.  
6 33 This section does not preclude persons from providing  
6 34 information to the board for possible board-initiated  
6 35 investigation instead of filing a complaint. A person who  
7 1 provides information to the board knowing that the information  
7 2 provided is not true may be assessed a civil penalty by the

7 3 board in an amount not to exceed two thousand dollars.

7 4 EXPLANATION

7 5 This bill relates to political campaigns and campaign  
7 6 finance and disclosure. The bill renumbers certain provisions  
7 7 relating to attribution statements.

7 8 The bill creates a new Code section that requires the  
7 9 disclosure of certain information by the end of political  
7 10 telephone calls that have the effect of promoting or opposing  
7 11 a candidate or ballot issue.

7 12 The bill limits cash and in-kind campaign contributions to  
7 13 candidates for statewide office or the general assembly and to  
7 14 political parties. The bill also provides that a political  
7 15 party may establish no more than one fund to provide  
7 16 contributions to a candidate for statewide office or the  
7 17 general assembly.

7 18 Violation of these new Code sections is subject to the  
7 19 penalties set out in Code sections 68A.701 and 68B.32D.

7 20 The bill imposes an additional civil penalty for falsely  
7 21 instigating a complaint with the ethics and campaign  
7 22 disclosure board or providing information to the board that  
7 23 the person knows to be untrue.

7 24 LSB 1305YH 82

7 25 jr:rj/je/5